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November 22, 2013

VIA ECF

The Honorable James C. Francis
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

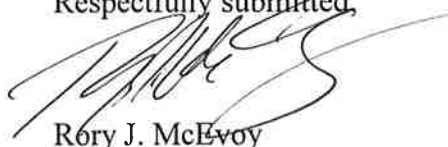
Re: Varughese v. Mount Sinai Medical Center, et al.
Docket No.: 12 Civ. 8812 (CM) (JCF)

Dear Judge Francis:

On behalf of our clients, Mount Sinai Medical Center and the Individual Defendants, I write in response to the letter from counsel for Plaintiff, Ronald J. Wronko, dated today, in which Mr. Wronko asks for leave to file a sur-reply and for oral argument on Defendants' motion to quash and for a protective. Defendants strenuously object to Mr. Wronko's request to file sur-reply and take no position on the request for oral argument.

Throughout this litigation, Mr. Wronko has always sought to have the last word in any communication with the Court. Thus, it is hardly surprising that he seeks to have the last word on Defendants' motion. The issues that Mr. Wronko claims require a sur-reply have all been fully briefed to the Court. Mr. Wronko simply seeks to prolong the debate by getting a final bite at the apple. A review of Mr. Wronko's letter reveals that he merely seeks to express his disagreement with Defendants' arguments on reply, and perhaps to try and correct the fatal flaws in Plaintiff's opposing papers. This request is also symptomatic of Plaintiff and her counsel's abuse of the discovery process throughout this case – one more deposition, one more documents, one more brief and so on. If the Court decides to hold oral argument, Mr. Wronko can make his arguments at that time. If not, the motion should be decided on the papers currently before the Court. Accordingly, Plaintiff's request to file a sur-reply should be denied.

Respectfully submitted,



Rory J. McEvoy

cc: Ronald J. Wronko, Esq. (via ECF and facsimile)